



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT B TO DEVELOPMENT PERMIT DP 3265

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by the Maine Appalachian Trail Club, for Amendment B to Development Permit DP 3265, finds the following facts:

1. Applicant: Maine Appalachian Trail Club
Appalachian National Scenic Trail
252 McDowell Street
Harpers Ferry WV 25425
2. Date of Completed Application: May 18, 2015
3. Location of Proposal: Andover North Surplus, Oxford County
Map 01 Lot 19
4. Zoning: (M-GN) General Management Subdistrict
(P-RR) Recreation Protection Subdistrict
(P-SG) Soils and Geology Protection Subdistrict
(P-WL2) Wetland Protection Subdistrict
5. Lot Size: 1356 Acres
6. Development: Existing Hiking Trail

Background

7. The National Park Service acquired the property in June of 1985 from the International Paper Company. The property contains the Appalachian National Scenic Trail.
8. The applicant was issued Development Permit DP 3265 in July of 1977 for the reconstruction and relocation of portions of the Appalachian National Scenic Trail.
9. On October 6, 1978 Amendment A was issued to DP 3265 which permitted the construction of the Hall Mountain Campsite to include one Adirondack shelter, one open pit privy, several tent platforms and two fireplace locations.

10. An existing campsite located along the trail, known as Black Brook Campsite, is currently undeveloped with any structures, however, primitive tent camping does occur at the site. The Black Brook campsite is accessed from the South Arm Road on the North or the East B Hill Road to the South.
11. The applicant now seeks permit approval to construct two 10 foot by 10 foot tent platforms and a mouldering privy at the Black Brook Campsite.

Proposal:

12. The applicant proposes to construct two 10 foot by ten foot tent platforms and a mouldering privy on the property within the P-RR Recreation Protection Subdistrict. The tent platforms will be constructed of wood with post foundations for transient hiker occupancy. The mouldering privy will be constructed of wood per federal specifications of the Americans with Disabilities Act in order to accommodate persons with disabilities. The privy will be of a composting nature and will not discharge waste into the ground. No fee will be charged for the use of the tent platforms or the privy. A review of the disposal system requirements by Maine Public Health Subsurface Wastewater Program Unit has exempted the need for a HHE-200 to be provided with the permit application. The proposed tent platforms and privy will be serviced via a small roadside parking area on the South Arm Road located on National Park Service property. The tent platforms and privy will be set back 550 feet from the nearest road, 500 feet from a stream draining less than 50 square miles, and 550 feet from the nearest property line.

Review Criteria:

13. Under provisions of Section 10.23.I.3.c.(1) of the Commission's Land Use Districts and Standards, Campsites may be allowed within a (P-RR) Recreation Protection Subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III.

Review Comments

14. The Maine State Soil Scientist has reviewed the proposal and has no objections to the project.
15. The Maine Natural Areas Program has reviewed the proposal and provides that there are no rare botanical features that will be disturbed within the project site. A site visit by a qualified field biologist is recommended to ensure that no undocumented rare features are inadvertently harmed at the site.
16. The Maine Bureau of Parks and Lands has reviewed the propoal and has no recommendations.
17. The facts are otherwise as represented in Amendment A to Development Permit Application DP 3265 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed campsite would be in compliance with Section 10.23.I.3.c.(1) of the Commission's Land Use Districts and Standards.
2. The proposed campsite would be in compliance with Section 10.26 of the Commission's Land Use Districts and Standards in that the facility would be located on a lot greater than 40,000 square feet with a minimum road frontage exceeding 200 feet, and the setback of the facility would be greater than 50 feet from the road, greater than 75 feet from a stream draining less than 50 square miles, and more than 25 feet from the nearest property line.

3. If carried out in compliance with the Conditions below, the proposal would meet the Criteria for Approval §685-B(4) of the Commission's Statutes, 12 M.R.S.A. and Sub Chapter III of the Commission's Land Use Districts and Standards.

Therefore, the Commission approves the application of the Maine Appalachian Trail Club for a campsite, with the following Conditions:

1. The Standard Conditions of Approval For All Development Permits (ver. 04/04)
2. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
3. Provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage.
4. To protect the water quality of Black Brook, the development, or reasonably foreseeable consequences of the development, shall not directly discharge any water pollutants to Black Brook which cause the surface water body to fail to meet its state classification (38 M.R.S.A. §464 et seq.); which impart toxicity and cause Black Brook to be unsuitable for its existing and designated uses; or which otherwise result in a violation of state or federal water quality laws.
5. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit a re-division of the lot in the future. The permittee is hereby advised to consult applicable land use laws and rules and with the Commission prior to any future division of the lot.
6. The enclosed permit certificate must be posted in a visible location on your property immediately after receipt and during development of the site and construction of the structures and activities approved by this permit.
7. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
8. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively

implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.

9. All authorized structures must be set back a minimum of 50 feet from the South Arm Road, 25 feet from other property boundary lines and 75 feet from streams.
10. The permittee shall secure and comply with all other applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, the Maine Department of Health and Human Services, the State of Maine Fire Marshall, and the Local Plumbing Inspector. Copies of these approvals must be forwarded to the appropriate Commission Field Office.
11. Once construction is complete, the permittees shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
12. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT WEST FARMINGTON, MAINE, THIS 3rd DAY OF JUNE, 2015.

By: 
for Nicholas Livesay, Director